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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/434,908

11/05/1999

LANE T. HAUCK

0325.00281

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7590

12/05/2003

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EXAMINER

NGUYEN, CHANH DUY

ART UNIT

PAPER NUMBER

2675

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/434,908

**Applicant(s)**

HAUCK, LANE T.

**Examiner**

Chanh Nguyen

**Art Unit**

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-17 and 19-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-17 and 19-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Response to Amendment***

1. The amendment filed on September 10, 2003 have been entered and considered by examiner.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7-12, 15-17, 19, 21-23 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bretschneider et al (U.S. Patent no. 6,128,629) in view of Sartore et al (U.S. Patent No. 6,012,103).

As to claim 1, Bretschneider discloses an apparatus including a first device (e.g., a mouse 42) configured to present one or more control signals (e.g., command signal generated by the mouse 42) dedicated to advancing through a plurality of slides presented by electronic presentation program (see column 5, line 53 through column 6, line 18) in response to one or more input instructions (e.g., mouse clicks from mouse 42) (see column 4, lines 40-60). Bretschneider teaches a bus interface (USB) to receive one or more control signals; see column 4, lines 40-60. The only thing Lin does

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not show is a bus interface configured to provide power to the device. In the same field of endeavor, Sartore teaches the peripheral USB interface circuit (120) providing a power (D+) to the device (peripheral USB interface circuit (120)). It is noted that Sartore teaches that "although the electronic disconnection and reconnection of the peripheral device to the USB may be initiated by the host computer, it may also be initiated by the host computer, as described above" (see column 8, lines 43-46). Thus, it is clear that the D+ voltage in Sartore can be transmitted from the host computer to the peripheral device through USB bus.

The claimed "wherein said device is configured operate according to a standard device driver provided in an operating system" is taught by both Bretschneider and Sartore. For example, Bretschneider teaches that "the general context of computer executable instructions, such as program modules, being executed by a personal computer" (see column 3, lines 53-67" and "a user may enter commands and information into the personal computer 20 through input devices such as keyboard 40 and pointing device 42" (see column 4, lines 44-54). It is clear that the device driver (i.e. executable instructions including routine, programs etc.) is not a special device or a non-standard device provided in an operating system because it executes the command signal in a conventional way in response to a mouse or keyboard activation. No where in the reference of Bretschneider states that the executable instructions in the reference (or device driver) is a special device driver or a non-standard device driver . Moreover, the term "standard" is so broad that any device can be named as standard. One example is that VHS cassette recorder and BETA cassette recorder. Both VHS

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and BETA can be named as standard cassette recorders because both can hook-up to the television to record the image even BETA does not have commercial success.

Sartore uses two USB interfaces (66, 76) to communicate between two processors (62 from a host computer and 72 from a peripheral device which is the same way as applicant's disclosed device shown in figure 2. Thus, the device driver (68) in Sartore is a standard device driver as recited in the claim.

Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have substituted USB bus to provide power to the peripheral device as taught by Sartore to the USB bus to Bretschneider because UBS bus of Sartore provide a system for easily altering the configuration data for a peripheral device; see column 2, lines 20-68 of Sartore.

As to claim 2, Bretschneider clearly teaches a well-known program configured to either advance or retreat through a plurality of slides in response to the one or more control signals. For example, column 1, lines 41-50 of Bretschneider teaches using a keyboard or mouse to for commanding for next slides as well as Figure 5B shows using left and right arrow icons to forward the slides or retreat the slides.

As to claim 3, Bretschneider clearly teaches a second device (e.g., computer 21) configure to run the program and communicate through the bus (UBS); see column 4, lines 40-60.

As to claim 4, both Bretschneider and Sartore clearly teaches bus interface including a Universal Serial Bus bus interface (66, 76 in Sartore).

As to claim 5, it is well-known in the art the bus interface is a wireless link.

As to claims 7-12 and 15, all the limitations recited in claims 6-12 and 15 are met by either by Bretschneider or Sartore. Bretschneider teaches a mouse (42) having a plurality of control buttons as recited in claims 11 and 15. Sartore teaches that "the UBS also permits the connection and disconnection of USB compatible peripheral devices while the computer is turned on"; see column 1, lines 50-55. This reads on the limitation "without rebooting or repowering the computer" as recited in claim 9.

As to claims 21-23, Bretschneider clearly teaches a hand held device (mouse 42) as recited in claim 21, standard device (mouse 42) is as recited in claim 22 and human interface device (mouse 42) as recited in claim 23.

As to method claims 16-17 and 19, these method claims are analyzed as previously discussed with respect to apparatus claims 1-15 above.

As to claims 26-27, Bretschneider clearly teaches the first device (40 or 42) being configured to advance and retreat through the plurality one slide at a time (see column 5, lines 53-65). The feature "advance" and "retreat" is also so well-known in the art, even acknowledged by applicant using left mouse button and right mouse button as described in the background of the invention, page 1, lines 17-19.

1. Claims 13-14, 20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bretschneider in view of Meyn et al (U.S. Patent No. 5,859,6223).

As to claim 20, note the discussion of Bretschneider above, Bretschneider discloses the apparatus as recited in claim 20 with exception of mentioning "and simultaneously" the electronic presentation program controlled by computer. In the

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same field of endeavor, Meyn teaches that "although the system 10 was intended to be operated by a remote control or by light activated control device. However, most actions can be performed using the keys on the control panel of the projector"; see column 13, lines 51-56. Thus, Meyn clearly teaches both the control device (e.g., laser pointer) and the control panel (e.g, keyboard) can control the electronic presentation program. This read on the claimed limitation "simultaneously" as recited in the claim. For example, a user can use only a laser pointer to scroll and zoom the slides. A user also can scroll the slides of the presentation by using laser pointer, then the user can use the control panel to zoom the slides. Thus a user can use both devices "simultaneously". Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used both laser pointer and control panel to control a plurality of slides as taught by Meyn to the presentation control system of Bretschneider so that the user has more choice to control the presentation slides, thereby saving time.

As to claims 13-14, the claimed "alert indicator" is broad enough to read on status dialog as taught by Meyn; see column 21, line 63 through column 22, line 5.

As to claim 25, Bretschneider clearly teaches a keyboard 40 and mouse 42.

2. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bretschneider in view of Meyn as applied to claim 13 above, and further in view of Indekeu et al (U.S. Patent No. 5,212,477).

Note the discussion of Bretschneider and Meyn above, both do not mention vibrator. Indekeu teaches alert indicator including an audible, a visual and a vibrator (see column 2, lines 45-55). Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used the vibrator alert indicator as taught by Indekeu to the input device of Bretschneider as modified by Meyn so as to it can alerts the user (see column 2, line 54 of Indekeu).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-5, 7-17 and 19-23 have been considered but are moot in view of the new ground(s) of rejection.

In view of amendment, the reference of Indekeu has been added for new ground of rejection to claim 24.

On page 9, second paragraph, applicant argues that Bretschneider does not appear to teach or suggest the first device configured to present one or more first control signals dedicated to advancing through a plurality of slides presented by an electronic presentation program in response to one or more input instructions. Examiner totally disagrees with applicant this point of view because Bretschneider teaches that "...a user performs an operation instructing the slide show module to "advance" by retrieving and displaying the next slide in the sequence of slides" (see column 5, lines 57-62. Also, column 4, lines 44-46, Bretschneider teaches that "a user may enter command and information into the personal computer<sup>20</sup> through input devices such as keyboard 40 and pointing device 42". Thus, Bretschneider clearly



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teaches using the input device for generating at least a signal to perform the task of advancing to the next slide".

On page 10, first paragraph, applicant presents the same arguments that Bretschneider does not appear to teach or suggest the first device configured to present one or more first control signals dedicated to advancing through a plurality of slides presented by an electronic presentation program in response to one or more input instructions as shown in Figures 3 and 5A-5C. However, Figures 3 and 5A-5C simply show the slide of the presentation. The limitation "the first device configured to present one or more first control signals dedicated to advancing through a plurality of slides presented by an electronic presentation program in response to one or more input instructions" is taught by Bretschneider in column 4, lines 44-46 and column 5, lines 57-62.

On page 10, second paragraph, applicant argues that Sartore does not teach or suggest the first device configured to present one or more first control signals dedicated to advancing through a plurality of slides presented by an electronic presentation program in response to one or more input instructions. However, this limitation is taught by Bretschneider as set forth in the rejection.

On page 11, in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does

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not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

As to claims 13-14 and 20, again applicant presents the arguments that Meyn does not teach or suggest the first device configured to present one or more first control signals dedicated to advancing through a plurality of slides presented by an electronic presentation program in response to one or more input instructions. However, this limitation is taught by Bretschneider as set forth in the rejection. Applicant also argues that the office action does not present any evidence or convincing line or reasoning why one of ordinary skill in the art would consider the status dialogs of Myen to be part of the mouse 42 of Bretschneider. However, it is not necessary that the status dialogs of Myen to be part of the mouse 42 of Bretschneider. The claim "first device" is so broad that it can read on mouse and display device of Bretschneider. Thus, the status dialogs of Myen can be displayed on the screen Bretschneider. Moreover, the alert indicator is not a significant improvement of the invention. For example, background of the invention recognizes only the problem of special "driver" software (see page 2 of the specification), not alert indicator, and the summary invention does not even mention alert indicator is a improvement or novel of the invention.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### **Inquiries**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanh Nguyen whose telephone number is (703) 308-6603.

If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, Steven Saras can be reached at 305-9720.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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**or faxed to:**

**(703) 872-9306**

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA, Sixth Floor (Receptionist)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

  
C. Nguyen  
November 25, 2003

  
CHANH NGUYEN  
PRIMARY EXAMINER